

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re Application of Vale S.A., Vale Holdings B.V., and Vale International S.A. for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in Foreign Proceedings

Case No. 1:20-mc-00199-JGK-OTW

**DECLARATION OF JEFFREY A. ROSENTHAL IN SUPPORT OF REPLY  
MEMORANDUM OF LAW TO JOINDER OF RFR HOLDING LLC, RFR REALTY  
LLC, R&S CHRYSLER LLC, AND ABY ROSEN TO NYSCO MANAGEMENT  
CORPORATION'S OPPOSITION TO THE APPLICATION OF VALE S.A., VALE  
HOLDINGS B.V., AND VALE INTERNATIONAL S.A. FOR AN ORDER PURSUANT  
TO 28 U.S.C. § 1782 TO CONDUCT DISCOVERY FOR USE IN FOREIGN  
PROCEEDINGS**

I, Jeffrey A. Rosenthal, pursuant to 28 U.S.C. § 1746 hereby declare under penalty of perjury as follows:

1. I am an attorney licensed to practice law in the State of New York and a partner at Cleary Gottlieb Steen & Hamilton LLP, counsel for applicants Vale S.A., Vale Holdings B.V., and Vale International S.A. (collectively, “Vale”) in the above-captioned action. I respectfully submit this Declaration and the attached Exhibits in support of Vale’s Reply Memorandum of Law to the Joinder of RFR Holding LLC, RFR Realty LLC, R&S Chrysler LLC, and Aby Rosen to Nysco Management Corporation’s Opposition to Vale’s *Ex Parte* Application for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in Foreign Proceedings.

2. Attached hereto as Exhibit 1 is a true and correct copy of an excerpt of messages from Beny Steinmetz’s BlackBerry 9900 Bold, dated May 20, 2013.<sup>1</sup>

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<sup>1</sup> This Exhibit derives from a 499-page Extraction Report from Beny Steinmetz’s BlackBerry 9900 Bold, an excerpt of which was Exhibit C-668 in the Arbitration. Phone numbers and other personally identifying information have

I declare pursuant to 28 U.S.C. § 1746 under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed: New York, New York  
June 15, 2020

/s/ Jeffrey A. Rosenthal

Jeffrey A. Rosenthal

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been redacted from this document. Vale will provide a complete unreacted version of this Exhibit at the Court's request.